upa

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CRIMINAL JURISDICTION

CRIMINAL APPLICATION NO.5892 OF 2005
IN
CRIMINAL APPEAL NO.___ OF 2005

The State of Maharashtra).. Applicant

Versus

Bhaskar Kakaso Mandale and others).. Respondents

Mrs.P.H.Kantharia, Additional Public Prosecutor, for the Applicant.

None present for the Respondents.

CORAM : V.G.PALSHIKAR, Acg.C.J. &
SMT. NISHITA MHATRE, J.

DATED : 14TH SEPTEMBER 2006

P.C.:

. By this application, the State seeks leave to appeal against the order of acquittal. We have perused the impugned order. The learned Judge has correctly appreciated the evidence on record. He has given cogent reasons in paragraphs 11 and 12 of his order for rejecting the evidence of eye witness PW4. He has brought out the contradictions in the evidence of the complainant and the eye witness. From the medical evidence, it becomes doubtful regarding the time during which the incident occurred and for which the injured witness was unconscious.

2. Taking into consideration these circumstances, the learned Judge has acquitted the accused. The reasoning is correct. Appreciation of evidence is correct. We see, therefore, no reason to interfere.

3. Application for leave to appeal rejected.